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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,960	02/08/2001	Vesa Lehtovirta	2380-207	5814
23117 7590 03/08/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER IQBAL, KHAWAR	
			ART UNIT 2617	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/778,960	<b>Applicant(s)</b> LEHTOVIRTA ET AL.	
	<b>Examiner</b> Khawar Iqbal	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1-16-07</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Streter (6456858).

3. Regarding claim 1 Streter teaches in a communication system where connections are established between an external network and mobile radio subscriber units by way of an access network, a method comprising (figs. 1-4):

detecting a failure in a node (Base Stations 16, 22 24, fig. 1) (col. 10, lines 23-45, col. 11, lines 47-50);

determining one or more mobile radio subscriber unit (12) connections affected by the detected failure (col. 10, lines 23-45, col. 11, lines 53-67); and

sending a message identifying the one or more affected mobile radio subscriber unit connections (col. 10, lines 23-45, col. 11, line 64-col. 12 line 4).

Regarding claim 15 Streter teaches in a communication system where connections are established between an external network and radio subscriber units by way of a radio access network, a method comprising (figs. 1-4):

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detecting a failure in a device in a node (base station), and sending a message identifying the failed device to one or more other nodes, wherein the one or more other nodes release radio subscriber unit connections associated with the identified failed device (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

Regarding claim 21 Streter teaches in a radio communications system providing communications between an external network and radio units, a radio access network that interfaces the external network and the radio units, comprising (figs. 1-4):

a radio network control node for communicating with the external network; and a radio base station node coupled to the radio network controller configured to provide a radio interface with plural radio units, wherein when a failure is detected in one of the nodes, the one node is configured to send a message to another of the nodes identifying one or more active and ongoing radio unit connections affected by the node failure (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

Regarding claim 34 Streter teaches in an access network providing communication connections between an external network and a mobile radio subscriber unit, a network node communicating with one or more network nodes, comprising (figs. 1-4):

a controller configured to perform the following tasks: detect a failure in the network node (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4); determine one or more active and ongoing mobile radio subscriber unit connections affected by the detected node failure (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4); and send a message to

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one or more other network nodes identifying the one or more affected mobile radio subscriber unit connections (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

Regarding claim 43 Streter teaches in a communication system where connections are established between an external network and radio subscriber units by way of a radio access network, apparatus comprising (figs. 1-4):

means for determining one or more active and ongoing radio subscriber unit connections affected by a failure detected in a radio access network node, and means for sending a message identifying the one or more affected radio subscriber unit connections (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

Regarding claims 2,22,35,44 Streter teaches releasing the one or more affected mobile radio subscriber unit connections identified in the message (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

Regarding claims 3,23,36,45 Streter teaches maintaining one or more mobile radio subscriber connections not determined to be affected by the detected failure (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

Regarding claims 4,24,36 Streter teaches maintaining a signaling connection associated with a mobile radio subscriber unit affected by the detected failure (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

Regarding claims 5,16,25,37 Streter teaches wherein the mobile radio subscriber unit uses plural connections during a communications session (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

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Regarding claims 6,19,26 Streter teaches generating a list identifying the one or more mobile radio subscriber units affected by the detected failure and one or more subscriber unit connections affected by the detected failure, and wherein the message includes the list (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

Regarding claims 7,20,27,38 Streter teaches generating a list identifying the one or more mobile radio subscriber units affected by the detected failure without identifying radio subscriber unit connections, and releasing all mobile radio subscriber unit connections associated with the one or more subscriber units in the list (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

Regarding claims 8,18,28,39 Streter teaches indicating in the list whether a signaling connection associated with a mobile radio subscriber unit affected by the detected failure should be released or maintained (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

Regarding claims 9,17,29,40 Streter teaches wherein the list includes identifiers for the one or more mobile radio subscriber units affected by the detected failure and for the one or more subscriber unit connections affected by the detected failure (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

Regarding claims 10,30,41 Streter teaches wherein when the list does not include connection identifiers, all connections for a mobile radio subscriber unit are released.

Regarding claims 11,31,42 Streter teaches wherein the message is sent to one or more other nodes (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

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Regarding claims 12,32 Streter teaches wherein the node is one of an external network node, a core network node, an access network node, and a mobile radio subscriber unit.

Regarding claims 13,33 Streter teaches wherein the message is a control signaling message (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

Regarding claim 14 Streter teaches wherein the message is sent using an existing access network control signaling message (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

Regarding claims 46-50 Streter teaches wherein each radio subscriber unit connection is associated with one or more radio access bearers (col. 10, lines 23-45, col. 11, line 47-col. 12 line 4).

### ***Response to Arguments***

4. Applicant's arguments filed 01-16-07 have been fully considered but they are not persuasive. The examiner has thoroughly reviewed applicant's arguments but firmly believes that the cited references reasonably and properly meet the claimed limitations. Regarding claims 1,2,15, the applicant argues on page 11 that Streter fails to teach a failure detection in a node and there is description in Streter that the blockage report includes any identification of mobile radio subscriber connections affected by a detected failure in a node. Examiner respectfully disagrees with this argument. In col.11, lines 46-57, Streter teaches that MTSO detects blocking factor [i.e., the claimed "failure"] of the base station [i.e., the claimed "node"]. Since, the base station is blocked, the connections of a number of mobile units connected to the base station will be also

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blocked and the message of these blocked connections are reported to the MTSO. This report is the report that includes the identification of the mobile units' connections affected by the detected failure in the base station. Therefore, MTSO selects at least one of the mobile units to rescan so that the connection with the base station can be re-established (col.11, lines 60-62).

Therefore the rejection of the claims 1,2,15 in view of Streter will remain.

Claims 21,34,43 are reject for the same reasons as described above with respect to claim 1. Furthermore, the applicant argues on page 12 that Streter lacks to teach "The blockage message does not list specific mobile connection". The applicant didn't claim a list of specific mobile connection. However, Streter's MTSO can determine a list of mobile stations connected to a base station that has blockade factor does not exceed a threshold (see col.11, lines 46-57).

Therefore the rejection of the claims 21,34,43 in view of Streter will remain.

Regarding claims 1,15, the applicant argues on page 10-12 in view of Jensen. However, the examiner didn't reject the claims in view of Jensen the office action mailed on 07/19/2006.

### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 571-272-7909.

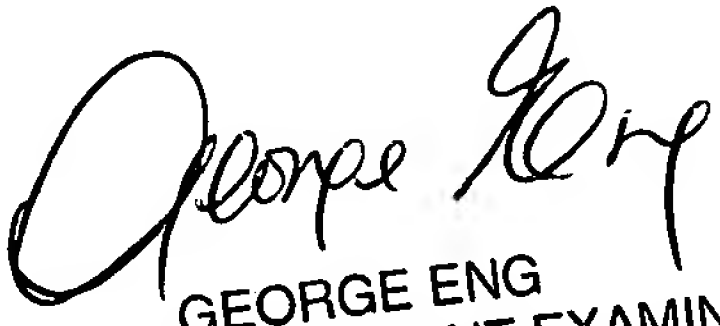
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

I,K

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER